

REMARKS/ARGUMENTS***Brief Summary of Status***

Claims 1-48 are pending in the application.

Claims 1-12 are rejected.

Claims 13-48 are subject to restriction and/or election requirement.

The Applicant has cancelled claims 13-48.

Election/Restriction

The Applicant affirms the election of claims 1-12 made by Bruce E. Garlick on 03-12-2008 during a telephone conversation with the Examiner.

The Applicant respectfully reserves the right to present any withdrawn and/or cancelled claims in a subsequent filing that may include a divisional patent application and/or a continuation patent application claiming priority to the present U.S. utility patent application.

The Applicant has cancelled claims 13-48.

Claim Objections

The Examiner asserts:

"4. Claim 4 is objected to because of the following informalities: It recites "the processor that the real-time communication be rerouted via another servicing network". The meaning of this phrase is unclear with respect to the processor. Appropriate correction is required." (non-final office action, Part of Paper No./Mail Date 20080312, p. 3)

The Applicant respectfully traverses.

The Applicant has amended certain of the claims.

In light of such amendments, the Applicant respectfully requests that the Examiner withdraw these objections.

The Examiner asserts:

“6. Claims 1-2, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US Patent Application Publication No. 200110036190 A1),” (non-final office action, Part of Paper No./Mail Date 20080312, p. 3)

The Applicant respectfully traverses.

The Applicant has amended certain of the claims.

The Applicant respectfully points out that, in order to support a proper rejection under 35 U.S.C. §102, a singular reference must teach and disclose each and every limitation of the subject matter as claimed by the Applicant. If the singular reference fails to teach and disclose each and every limitation of the subject matter as claimed by the Applicant, the rejections under 35 U.S.C. § 102 should be withdrawn.

The Applicant respectfully asserts that Takahashi fails to teach and disclose each and every element of the subject matter as claimed by the Applicant in these rejected claims.

With respect to the Applicant’s independent claim 1, the Applicant respectfully points out that Takahashi fails to teach and disclose each and every element of the subject matter as claimed by the Applicant therein. In addition to other deficiencies, the Applicant respectfully points out that Takahashi fails to teach and disclose any changing of any coding scheme by which a real-time communication is encoded or decoded within a programmable codec based on a service level being below a minimal service level.

With respect to the Applicant’s dependent claim 2, the Applicant also respectfully points out that Takahashi also fails to teach and disclose any programmable codec that employs a first coding scheme to encode or decode a first packetized communication of the packetized communications, and the programmable codec employs a second coding scheme to encode or decode a second packetized communication of the packetized communications.

With respect to the Applicant’s dependent claim 10, the Applicant respectfully believes that this dependent claim, being a further limitation of the subject matter as claimed in an allowable independent claim, respectively, is also allowable.

As such, the Applicant respectfully asserts that Takahashi fails to teach and disclose each and every element of the subject matter as claimed by the Applicant in these rejected claims.

As such, the Applicant respectfully requests that the Examiner withdraw the rejections of these claims under 35 U.S.C. § 102(b) as being anticipated by Takahashi.

35 U.S.C. § 103

The Examiner asserts:

“7. Claims 4, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi as applied to claim 2 above, and further in view of Murphy (US patent No. 6,282,192 B1).” (non-final office action, Part of Paper No./Mail Date 20080312, p. 5)

The Applicant respectfully traverses.

The Applicant has amended certain of the claims.

The Applicant’s comments made above with respect to Takahashi are also applicable here.

The Applicant respectfully believes that the Applicant’s independent claim 1 is allowable over Takahashi and Murphy.

The Applicant respectfully believes that the inclusion of Murphy fails to overcome the deficiencies of Takahashi.

The Applicant respectfully asserts that Takahashi and Murphy, when considered individually or together, fails to teach and disclose each and every limitation of the subject matter as claimed by the Applicant in these claims.

The Applicant respectfully believes that these dependent claims rejected above, being further limitations of the subject matter as claimed in allowable independent claims, respectively, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the rejections of these claims under 35 U.S.C. § 103(a) as being unpatentable over Takahashi as applied to claim 2 above, and further in view of Murphy.

The Examiner asserts:

“8. Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi as applied to claims 1, 2 above, and further in view of Skemer (US Patent No. 6,570,849 B1).” (non-final office action, Part of Paper No./Mail Date 20080312, p. 7)

The Applicant respectfully traverses.

The Applicant has amended certain of the claims.

The Applicant’s comments made above with respect to Takahashi are also applicable here.

The Applicant respectfully believes that the Applicant’s independent claim 1 is allowable over Takahashi and Skemer.

In addition, the Applicant respectfully believes that the inclusion of Skemer fails to overcome the deficiencies of Takahashi.

The Applicant respectfully asserts that Takahashi and Skemer, when considered individually or together, fails to teach and disclose each and every limitation of the subject matter as claimed by the Applicant in these claims.

The Applicant respectfully believes that these dependent claims rejected above, being further limitations of the subject matter as claimed in allowable independent claims, respectively, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the rejection of these claims under 35 U.S.C. § 103(a) as being unpatentable over Takahashi as applied to claims 1, 2 above, and further in view of Skemer.

The Examiner asserts:

“9. Claims 3, 5, 11 -12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi as applied to claims 1, 2 above, and further in view of Leung (US Patent Application Publication No. 2002/0087711 A1).” (non-final office action, Part of Paper No./Mail Date 20080312, p. 7)

The Applicant respectfully traverses.

The Applicant has amended certain of the claims.

The Applicant’s comments made above with respect to Takahashi are also applicable here.

The Applicant respectfully believes that the Applicant's independent claim 1 is allowable over Takahashi and Leung.

In addition, the Applicant respectfully believes that the inclusion of Leung fails to overcome the deficiencies of Takahashi.

The Applicant respectfully asserts that Takahashi and Leung, when considered individually or together, fails to teach and disclose each and every limitation of the subject matter as claimed by the Applicant in these claims.

Within the office action, the Examiner asserts "Leung teaches of a gateway and a method wherein the gateway uses various codecs to process audio and video packetized communication and reduces the service level of non voice packets by prioritizing voice communication packets over other packets for any communication including conferencing (Paragraphs 0042-0046, 0051-0053, 0061 -0062)" (non-final office action, Part of Paper No./Mail Date 20080312, p. 8)

The Applicant respectfully points out that any one of the "various codecs" of Leung is not a programmable codec in accordance with the subject matter as claimed by the Applicant.

With respect to the Applicant's independent claim 1, the Applicant respectfully points out that Leung fails to teach and disclose any changing of any coding scheme by which a real-time communication is encoded or decoded within a programmable codec based on a service level being below a minimal service level.

The Applicant respectfully believes that these dependent claims rejected above, being further limitations of the subject matter as claimed in allowable independent claims, respectively, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the rejection of these claims under 35 U.S.C. § 103(a) as being unpatentable over Takahashi as applied to claims 1, 2 above, and further in view of Leung.

The Applicant respectfully believes that claims 1-12 are in condition for allowance and respectfully requests that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present U.S. utility patent application.

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